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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,924	10/11/2001	Kazuhiko Tomaru	214936US0	7476
22850	7590	02/12/2004		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER HAMLIN, DERRICK G	
			ART UNIT 1751	PAPER NUMBER

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/973,924	Applicant(s) TOMARU ETAL	
	Examiner Derrick G. Hamlin	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7 and 10 is/are rejected.
- 7) ☒ Claim(s) 3,5,6,8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4/02</u> | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 4/5/2002, has been considered as to the merits.

However, the information disclosure statement filed 11/20/2003 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because a list of references does not appear to have been filed with the statement. There is no information disclosure statement to refer to therein, therefore the IDS could not be considered on its merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Specification

Claims 1-10 are objected to because of the following informalities: Several conjunction and verbs are either missing or incorrect. For example, in claim 1, line 3, after "filler," "which" should be added or "has should be changed to having. In claim 2, line 3, after "polymer" the conjunction "and" is not needed. Appropriate correction of all the claims is required.

Claim Rejections - 35 USC § 103

Claims 1, 2, 4, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fouts, Jr. et al (US 4545926).

Fouts discloses a conductive polymer compositions comprises a polymeric material having dispersed therein (a) conductive particles composed of a highly conductive material and (b) a particulate filler. (abstract). The reference teaches that the particles may be virtually any metal, such as nickel, gold aluminum, iron and silver (col. 4, lines 25-65). The reference teaches that the final composition may be milled into sheets and compression molded in slabs (col. 8, lines 6-54). The reference also teaches several polyolefins, and block copolymers, such as random copolymers of ethylene and propylene grafted with polyethylene or polypropylene side chains, and block copolymers of alpha-olefins such as polyethylene or polypropylene with ethylene/propylene. (col. 6, lines 4-51)

The reference fails to teach all of the instantly claimed properties for the instantly claimed materials.

Although the reference fails to teach all of the instantly claimed properties, the reference does teach that all of the instantly claimed materials may be used. It is the therefore the examiners position that the reference teaches a composition which may be identical to the instantly claimed composition in the absence of teaching superior or unexpected results. Therefore, one would have a reasonable expectation that the properties of compositions made using the same materials would be the same.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create the instantly claimed heat softening sheet, as the reference teaches a PCT material which contains conductive particles dispersed in a polyolefin matrix, which may be formed into a sheet.

In view of the forgoing, the above claims have failed to be patently distinguishable over prior art.

The remaining references listed on form(s) 892 and/or 1449 have been reviewed by the examiner and are considered to be cumulative to or less material than the prior art references relied upon in the rejection above.

Allowable Subject Matter

Claims 3, 5, 6, 8 and 9 are again objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form (correcting all informalities) including all of the limitations of the base claim and any intervening claims.

Claim three requires a complex three-component system and not the mere selection of a member of the group, with a conductive filler and in the form of a sheet having the required properties.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick G. Hamlin whose telephone number is (571)

Art Unit: 1751

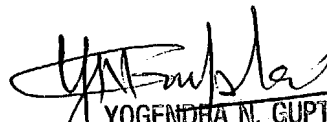
272-1317. The examiner can normally be reached on Monday-Fridays from ~8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick G. Hamlin

2/5/04



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